IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3379 of 2007.

Sachin Dnyandev Bhise ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Umesh G. Yerunkar, Advocate for the applicant.

Ms S. D. Shinde, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 23RD OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No.56 of 2007 registered with Satara Taluka Police Station, for the offence punishable under Section 392, 342, 504, 506, read with Section 34 of the I.P.C.

4. According to the prosecution, on 2.2.2007 in between 2:00 p.m. on the slope of Ghatai road at the distance of 1/2 k.m. from Satara Kaas road at village Kasani applicant alongwith other accused assaulted, threatened

the informant with an intention to commit robbery and robbed handset of Nokia Company belonging to the complainant. That is how the complaint came to be lodged against the accused.

5. According to the learned counsel for the applicant, nothing is recovered from the accused. Thre is delay in lodging F.I.R. One of the co-accused is enlarged on bail. Charge sheet is also filed. However, he appears to have been involved on suspicion.

6. Learned A.P.P. opposed the prayer of bail but she could not take her submission to the logical end.

7. Having heard both parties, no useful purpose would be served by detaining the applicant in custody till the trial is over. However, while releasing him on bail, certain stringent conditions will serve ends of justice.

8. In the above view of the matter, the applicant would be entitled for bail. I am of the considered view that on following terms and conditions the applicant can be released on bail:-

a] The applicant Sachin Dnyandev Bhise arrested in connection with C.R. No. 56 of 2007 registered with Satara Police Station, under Section 392, 342, 504,506 read with Section 34 of the I.P.C. shall be enlarged on bail subject to furnishing a personal bond of Rs. 10,000/- with one or two sureties in the like amount.

b] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The applicant shall not enter into village of the complainant and shall not contact any of the prosecution witnesses until conclusion of the trial.

d] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the

conclusion of trial without prior intimation to the Investigating Officer.

e] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

f] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

g] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

h] Breach of any of the above conditions may result in cancellation of this order.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)